

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF WASHINGTON**

JESUS ARMENDARIZ,

Plaintiff,

vs.

CAROLYN W. COLVIN,

Acting Commissioner of Social Security,

Defendant.

No. 1:15-CV-3136-FVS

ORDER ADOPTING REPORT AND  
RECOMMENDATION TO GRANT  
PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT AND  
DENY DEFENDANT'S MOTION  
FOR SUMMARY JUDGMENT

**BEFORE THE COURT** is the Report and Recommendation issued by Magistrate Judge Mary K. Dimke on September 26, 2016, ECF No. 18, recommending Plaintiff's Motion for Summary Judgment, ECF No. 12, be granted and Defendant's Motion for Summary Judgment, ECF No. 14, be denied. Defendant filed objections to the Report and Recommendation on October 11, 2016. ECF No. 19. Plaintiff responded to Defendant's objections October 26, 2016. ECF No. 20.

1 After reviewing the Report and Recommendation, the objections and the  
2 response, and relevant authorities; the Court finds the Magistrate Judge's findings  
3 are correct. Therefore, the Court adopts the Report and Recommendation in its  
4 entirety. Accordingly, **IT IS ORDERED:**

5 1. Defendant's Objections to Magistrate Judge Dimke's Report and  
6 Recommendation, **ECF No. 19**, are **OVERRULED**.

7 2. The Report and Recommendation, **ECF No. 18**, is **ADOPTED** in its  
8 entirety.

9 3. Plaintiff's Motion for Summary Judgment, **ECF No. 12**, is  
10 **GRANTED**.

11 4. Defendant's Motion for Summary Judgment, **ECF No. 14**, is  
12 **DENIED**.

13 5. An application for attorney fees may be filed by separate motion.

14 The District Court Executive is directed to file this Order and forward copies  
15 to the parties. Judgment shall be entered for Plaintiff and the file shall be  
16 **CLOSED**.

17 DATED November 16, 2016.

18 s/Fred Van Sickle

Fred Van Sickle

19 Senior United States District Judge